



Docket No.: T5276.CIP2.PCT.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: American Technology Corporation

INVENTOR: Norris, Elwood G. et al.

FILING DATE: 09/17/2004

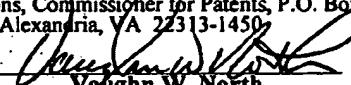
TITLE: PARAMETRIC RING EMITTER

Application number: UNKNOWN

CERTIFICATE OF MAILING
UNDER 37 C.F.R. §1.8

DATE OF DEPOSIT: Dec 15, 04

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Mail Stop Director of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Vaughn W. North

Director of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.10e

Pursuant to 37 C.F.R. § 1.10e, Applicant respectfully requests that the above-identified application be considered as filed in the US Patent and Trademark Office on the USPS deposit date of September 17, 2004. Applicant encloses a copy of the following documents and submits that the following documents were deposited with the USPS on September 17, 2004:

Transmittal letter to the US designated office concerning a filing under 35 U.S.C. 371

Certificate of mailing by express mail with "express mail" mailing label

Recordation sheet and assignment

Power of attorney

Declaration and Petition

Notification of transmittal of the International Preliminary Examination Report

Notification of receipt of demand by competent international preliminary examining authority

Copy of check number 20297 in the amount of \$570.00

Applicant includes the additional documentation as evidence to show that the above documents were mailed on September 17, 2004:

the "express mail" mailing label stamped with the date of deposit
copy of return postcard which was date stamped by the USPTO

Additionally, applicant includes a copy of the bank statement showing that check number 20297 in the amount of \$570.00 was processed on September 27, 2004.

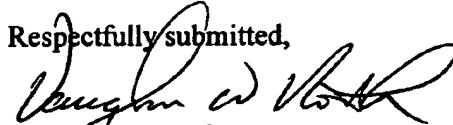
In the event that a fee applies, please charge the fee to Deposit Account No. 20-0100 of the undersigned.

Please note that an IDS was submitted to Mail Stop Amendment, Commission for Patents at PO BOX 1450, Alexandria, Virginia on December 6, 2004, and a copy of the transmittal of information disclosure statement, the information disclosure statement and the 1449 form is enclosed for your records.

Any questions with respect to this communication may be directed to the undersigned.

Dated this 15 day of December, 2004.

Respectfully submitted,


Vaughn W. North
Attorney for Applicant
Registration No. 27,930

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

VWN/skp
Enclosure

THORPE NORTH & WESTERN, L.L.P.
GENERAL OPERATING ACCOUNT
P.O. BOX 1219
SANDY, UT 84091-1219
(801) 566-6633

9/17/2004

PAY TO THE
ORDER OF Commissioner of Patents and Trademarks

\$ **570.00

Five Hundred Seventy and 00/100***** DOLLARS

MEMO T5276.CIP2.PCT.US Nationalization

10 20 2971 1240000541 019 01311 91

m. w/ a w/ a w/ a

THORPE NORTH & WESTERN, L.L.P.

GENERAL OPERATING ACCOUNT

Commissioner of Patents and Trademarks

9/17/2004

20297

T5276.CIP2.PCT.US Nationalization

570.00

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570.00

THORPE NORTH & WESTERN, L.L.P.

GENERAL OPERATING ACCOUNT

Commissioner of Patents and Trademarks

9/17/2004

20297

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570.00

Cash-Zions

T5276.CIP2.PCT.US Nationalization

570.00

PATENT APPLICATION NO
ATTORNEY DOCKET NO. T3376.CIP2.PCT.US

DECLARATION AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Parametric Ring Emitter, the specification of which is attached hereto, or which was filed on _____ as THORPE NORTH & WESTERN L.L.P. Docket No. _____ and given United States Application No. _____ and was amended on (if applicable); that the subject matter of the attached amendment or amendment filed on was part of my or our invention and was invented before the filing date of the original application, above identified for such invention; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit of the earlier filed patent application filed as PCT International Application No. PCT/US03/08311 which claims priority to US Application No. 10/101,426 filed on 13 March 2002; and insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, I acknowledge the duty to acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

Declaration and Petition
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Page 2

punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, and this petition.

Signed at San Diego, CA, this 16 day of September, 2004.

INVENTOR(S):



Elwood G. Norris

Poway, California

US

16101 Blue Crystal Trail

Poway, California 92064

Residence: (City, State):

Citizenship:

Post Office Address:

Declaration and Petition
US Patent Application
Page 3

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Signed at San Diego, CA, this 16 day of September, 2004.

INVENTOR(S):



Residence: (City, State):

James J. Croft
Poway, California

Citizenship:

US

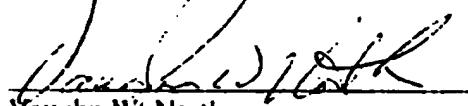
Post Office Address:

13633 Quiet Hills Drive
Poway, California 92064

Declaration and Petition
US Patent Application
Page 4

Signed at Carlsbad, this 16 day of September, 2004.

INVENTOR(S):



Vaughn W. North

Carlsbad, CA

US

1120 South 700 East, Suite 200

Sandy Utah 84070

Residence: (City, State):

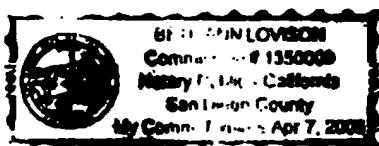
Citizenship:

Post Office Address:

STATE OF CALIFORNIA)
County of San Diego) :ss

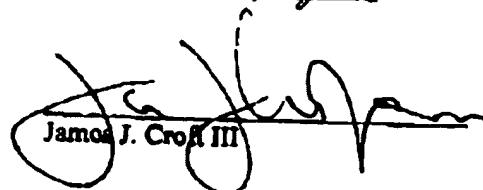
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Before me personally appeared Elwood G. Norris and acknowledged the foregoing instrument to be his free act and deed this 16th day of September, 2004.



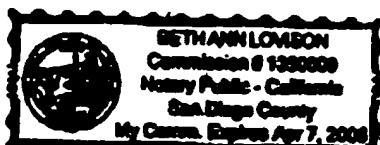
Beth Ann Lovison
Notary Public

Executed this 16 day of September, 2004 at San Diego, CA

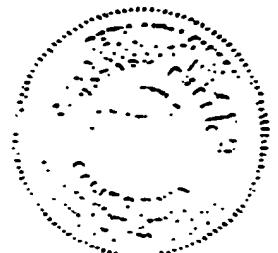

James J. Croft III

STATE OF CALIFORNIA)
County of San Diego) :ss

Before me personally appeared James J. Croft III and acknowledged the foregoing instrument to be his free act and deed this 16th day of September, 2004.



Beth Ann Lovison
Notary Public



Rec'd [unclear]

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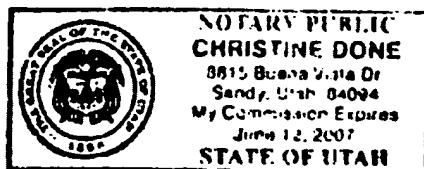
Executed this 16 day of September, 2004 at Sandy, Utah

Vaughn W. North

STATE OF UTAH)
: ss
County of Salt Lake)

Before me personally appeared Vaughn W. North and acknowledged the foregoing instrument to be his free act and deed this 16th day of September, 2004.

Christine Done
Notary Public



Rec'd PCT/PTO 17 SEP 2004

2006

P. 06

NOT AVAILABLE UNTIL

Attorney Docket No. T3276.CM2 PCT.US

POWER OF ATTORNEY

American Technology Corporation, a corporation, organized and existing under the laws of the State of Delaware, having a business address of 13114 Evening Creek Drive South, owner of all right, title and interest in the invention entitled **PARAMETRIC RING Emitter** for which an application for United States Letters Patent which is being filed concurrently herewith OR which was filed on _____ as THORPE NORTH & WESTERN, LLP Docket No. _____

_____, and given U.S. Patent Application Serial No. _____, and empowered to prosecute the U.S. and foreign applications on behalf of the inventors, hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; ERIK S. ERICKSEN, Registration No. 48,954; JOHN W.L. OGILVIE, Registration No. 37,987; CHRISTOPHER L. JOHNSON, Registration No. 46,809; NATHAN S. WINESBTT, Registration No. 55,733; and TODD B. ALDER, Registration No. 54,598; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

Vaughn W. North
THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633
Facsimile: (801) 566-0730

Power of Attorney
Page 2

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Dated this 16 day of September, 2004 at San Diego, CA (City, State).

American Technology Corporation

By: Elwood G. Morris
Name: Elwood Morris
Title: Chairman, ATC

FORM PTO-1340 (REV. 01-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER T5276.CIP2.PCT.US <small>U.S. APPLICATION NO. (if known, see 37 CFR 1.5)</small> 10/101,426	
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE		
PCT/US03/08311	18 March 2003		
TITLE OF INVENTION		BEST AVAILABLE COPY	
Parametric Ring Emitter		APPLICANT(S) FOR DO/EO/US	
American Technology Corporation		Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:	
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: 			

21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO				\$1060.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO				\$900.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO				\$750.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)				\$720.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)				\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 1060.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(c)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$18.00	\$	
Independent claims	- 3 =		x \$84.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1060.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ -530.00	
SUBTOTAL =				\$ 530.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 530.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$40.00	
TOTAL FEES ENCLOSED =				\$570.00	
				Amount to be refunded:	\$
				charged:	\$

a. A check in the amount of \$ 570.00 to cover the above fees is enclosed.

b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

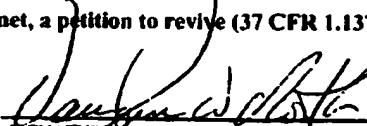
c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0100 A duplicate copy of this sheet is enclosed.

d. Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Vaughn W. North
Thorpe, North & Western LLP
PO BOX 1219
Sandy, Utah 84091-1219
US


SIGNATURE
Vaughn W. North
NAME27,930
REGISTRATION NUMBER

The PTO did not receive the following listed item(s) <u>No</u> <u>negative</u>	
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CERTIFICATE OF MAILING BY EXPRESS MAIL

"Express Mail" Mailing Label No.:

EV389082514US

Date of Deposit:

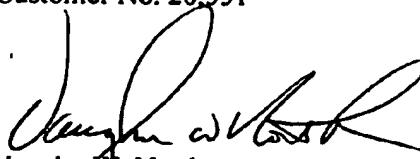
17 September 2004

I hereby certify that the enclosed the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a filing Under 35 U.S.C. 371, along with the accompanying documents, 3 sheets formal drawings, International Search Report, International Preliminary Examination Report, Assignment, Power of Attorney, Declaration and check No. 20217 in the amount of \$570.00 and a return postcard, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Section 1.10 on the date indicated above in an envelope addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted this 17th day of September, 2004.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP
Customer No. 20551



Vaughn W. North
Attorney for Applicant
Registration No. 27,930
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone (801) 566-6633

Attorney Docket No. T5276.CIP2.PCT.US

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